

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ANTHONY F. KASARDA,

Plaintiff

v.

HAZLE TOWNSHIP STREET
DEPARTMENT, et al.

Defendants

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3:15-CV-00970
(JUDGE MARIANI)


ORDER

AND NOW, THIS 23rd DAY OF FEBRUARY, 2016, upon review of Magistrate Judge Schwab's Report & Recommendation ("R&R") (Doc. 21) for clear error and manifest injustice, **IT IS HEREBY ORDERED THAT:**

1. The R&R (Doc. 21) is **ADOPTED** for the reasons stated therein.
2. Plaintiff's Complaint (Doc. 1) is **DISMISSED**. Plaintiff has completely failed to litigate this action or to take any steps to advance his case. Despite four Orders from the Court directing Plaintiff to file briefs in opposition to Defendants' motions (Docs. 9, 15, 18, 20), Plaintiff has not only failed to comply with any of the Court's Orders, he has not filed a single document since his Complaint on May 18, 2015. While this Court declines to make a determination as to whether Plaintiff's repeated inaction is "willful or in bad faith", rendering this *Poulis* factor neutral, the Magistrate Judge's findings that each of the other *Poulis* factors weigh in favor of

dismissing the case, including the lack of merit of each of Plaintiff's claims, present sufficient justification for the Court's actions herein.

3. The Commonwealth Defendants' Motion to Dismiss¹ (Doc. 6) is **GRANTED**.
4. Defendant Magisterial District Judge James Dixon's Motion to Dismiss (Doc. 13) is **GRANTED**.
5. The Motion to Dismiss by Defendant Hazle Township (identified as Hazle Township Street Department and Andrew Benvo in Plaintiff's Complaint) (Doc. 16) is **GRANTED**.
6. The Clerk of Court is directed to **CLOSE** this case.



Robert D. Mariani
United States District Judge

¹ The "Commonwealth Defendants" are the Pennsylvania State Police, Trooper Faux, and Trooper Surmick. (Doc. 6).